

Amendment to the Drawings:

The attached sheets of drawings include changes to Figs. 2A and 2B.

New Sheet 2, which includes Fig. 2A, replaces the original sheet including Fig. 2A.

New Sheet 3, which includes Fig. 2B, replaces the original sheet including Fig. 2B.

*Attachments: Replacement Sheets 2 and 3 (Figs. 2A and 2B)
Annotated Drawing Sheets showing changes in red ink.*

REMARKS

Reconsideration is requested.

In response to the drawings objections, Applicants hereby submit new formal Drawing Sheets 2 and 3, with the corrections made to Figs. 2A and 2B as required by the Examiner. Acceptance of these corrected drawings is respectfully requested.

The specification has been amended to correct minor errors.

Claim 3 stands rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement, and further for failing to point out and claim the subject matter of the invention, and under 35 U.S.C. §112, second paragraph as being indefinite. Claim 3 has been amended to obviate these rejections.

Claims 1, 2, 15, 24, and 37 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,797,417 to DeLattre et al.

Claim 1 has been amended merely to correct a punctuation error and for increased clarity. Claim 1 distinguishes over the DeLattre et al. for a plurality of reasons.

Claim 1 recites a valve; a plurality of RFID sensor assemblies coupled to the valve to monitor a plurality of parameters associated with the valve; a control tag configured to wirelessly communicate with the respective RFID sensor assemblies that are coupled to the valve, the control tag being further configured

to communicate with an RF reader; and an RF reader configured to selectively communicate with the control tag, the reader including an RF receiver.

Anticipation under 35 U.S.C. §102(b) requires that each and every element of the claimed invention be disclosed in a single prior art reference. See *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990). The corollary of this rule is that the absence from a cited §102 reference of any claimed element negates the anticipation. See *Kloster Speedsteel AB, et al. v. Crucible, Inc., et al.*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986).

No rejection under 35 U.S.C. §103 has been lodged against claims 1 or 24. Accordingly, if Applicants can demonstrate that the DeLattre et al. reference does not disclose any one claimed element recited in claims 1 or 24, the rejection under 35 U.S.C. §102 must be withdrawn, and a subsequent non-final action made with a different rejection, in the event that the Examiner still finds such claims to be not allowable.

Claim 1 distinguishes over the DeLattre et al. reference for a plurality of reasons.

First, the DeLattre et al. reference fails to disclose a control tag configured to wirelessly communicate with respective RFID tags coupled to a valve, the control tag being further configured to communicate with an RF reader.

Further, for a proper rejection under 35 U.S.C. §102, it is incumbent upon the Examiner to identify where each and every facet of the claimed invention is

disclosed in the applied reference. *Lindemann Maschinenfabrik GmbH v. American Hoist and Derrick*, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984). The Examiner has not pointed out which features of DeLattre et al. he believes to correspond to which elements of the claim, and the rejection is improper for this reason alone. It is believed that the Examiner would not be able to point to any particular component of DeLattre et al. that would meet the requirements of this element; i.e., a control tag that communicates with a reader as well as with a plurality of RFID tags coupled to a valve.

It is assumed that the sensors of Col. 5, lines 32-36 of the DeLattre et al. reference are believed by the Examiner to correspond to Applicants' claimed RFID sensor assemblies. It is further assumed that the programming console 20 on the right side of Fig. 3 is believed by the Examiner to correspond to Applicants' claimed reader.

However, the programming console 20 of DeLattre et al. communicates directly with the valve device, not with DeLattre's sensors. See Col. 7, lines 34-39. Similarly, the sensors communicate directly with DeLattre's valve device using a bi-directional communication interface (see Col. 5, lines 5-10) which, although consistent terminology is not used, is apparently part of electronic circuit 2 (see Col.4, lines 44-49). Electronic circuit 2 is part of the valve device because circuit 2 is shown in Fig. 1.

Therefore, the DeLattre et al. reference does not disclose anything that can be considered to be a control tag that communicates wirelessly with respective RFID sensor assemblies, as well as with an RF reader.

Second, the DeLattre et al. reference fails to disclose a plurality of RFID sensor assemblies coupled to the valve, as the term RFID is commonly used.

For example, RFID presumes wireless communication including an identification function (the ID part of RFID). No such identification function is disclosed as being performed by the sensors of DeLattre et al. Further, the sensors of DeLattre et al. communicate using wiring (see Col. 5, lines 8-10) instead of by RF. Though DeLattre et al. does mention “electromagnetic means” this is not believed to imply RF (radio frequency). Any non-wired communications suggested by DeLattre et al. would be infrared, as infrared is used with the remote valve programming devices of Fig. 3 (see Col. 6, line 20 and Col. 5, line 2). Infrared is not radio frequency. Infrared (IR) is electromagnetic radiation of a wavelength longer than that of visible light, but shorter than that of radio waves.

Therefore, claim 1 is allowable.

As claims 2-16 depend on claim 1, they too are allowable.

Claim 24 recites a method of monitoring an industrial process which makes use of a valve, the method comprising coupling a plurality of RFID sensor assemblies to the valve to monitor a plurality of parameters associated with the

valve; providing a control tag to wirelessly communicate with the respective RFID sensor assemblies that are coupled to the valve, the control tag being configured to communicate with an RF reader; and selectively communicating with the control tag using an RF reader, the reader including an RF receiver.

Claim 24 distinguishes over the DeLattre et al. reference for a plurality of reasons.

First, the DeLattre et al. reference fails to disclose providing a control tag to wirelessly communicate with the respective RFID sensor assemblies that are coupled to the valve, the control tag being configured to communicate with an RF reader.

It is assumed that the sensors of Col. 5, lines 32-36 of the DeLattre et al. reference are believed by the Examiner to correspond to Applicants' claimed RFID sensor assemblies. It is further assumed that the programming console 20 on the right side of Fig. 3 is believed by the Examiner to correspond to Applicants' claimed reader.

However, the programming console 20 of DeLattre et al. communicates directly with the valve device, not with DeLattre's sensors. See Col. 7, lines 34-39. Similarly, the sensors communicate directly with DeLattre's valve device using a bi-directional communication interface (see Col. 5, lines 5-10) which, although consistent terminology is not used, is apparently part of electronic

circuit 2 (see Col.4, lines 44-49). Electronic circuit 2 is part of the valve device because circuit 2 is shown in Fig. 1.

Therefore, the DeLattre et al. reference does not disclose anything that can be considered to be a control tag that communicates wirelessly with respective RFID sensor assemblies, as well as with an RF reader.

Second, the DeLattre et al. reference fails to disclose a plurality of RFID sensor assemblies coupled to the valve, as the term RFID is commonly used.

For example, RFID presumes wireless communication including an identification function (the ID part of RFID). No such identification function is disclosed as being performed by the sensors of DeLattre et al. Further, the sensors of DeLattre et al. communicate using wiring (see Col. 5, lines 8-10) instead of by RF. Though DeLattre et al. does mention "electromagnetic means" this is not believed to imply RF (radio frequency). Any non-wired communications suggested by DeLattre et al. would be infrared, as infrared is used with the remote valve programming devices of Fig. 3 (see Col. 6, line 20 and Col. 5, line 2). Infrared is not radio frequency. Infrared (IR) is electromagnetic radiation of a wavelength longer than that of visible light, but shorter than that of radio waves.

Therefore, claim 24 is allowable.

As claims 25-38 depend on claim 24, they too are allowable.


Appl. No. 10/691,758
Response to 6/14/06 Office Action
Atty. Dkt. 12872-E (BA4-200)

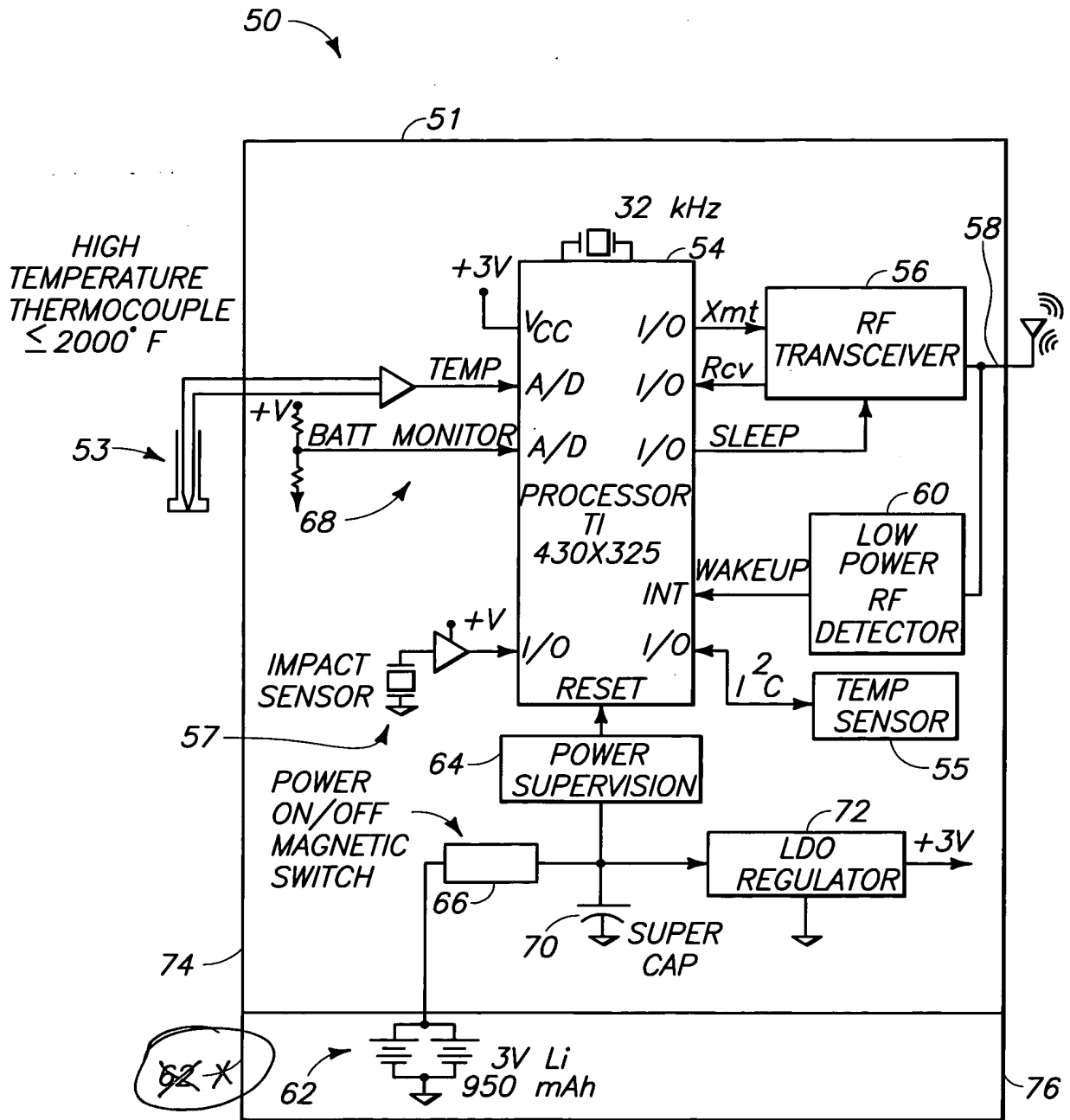
New claims 46-59 have been added. Examination on the merits of the new claims is respectfully requested.

In view of the foregoing, allowance of claims 1-16, 24-38, and 46-59 is respectfully requested. The Examiner is requested to phone the undersigned at any time in the event that the next Office Action is one other than a Notice of Allowance.

Respectfully submitted,

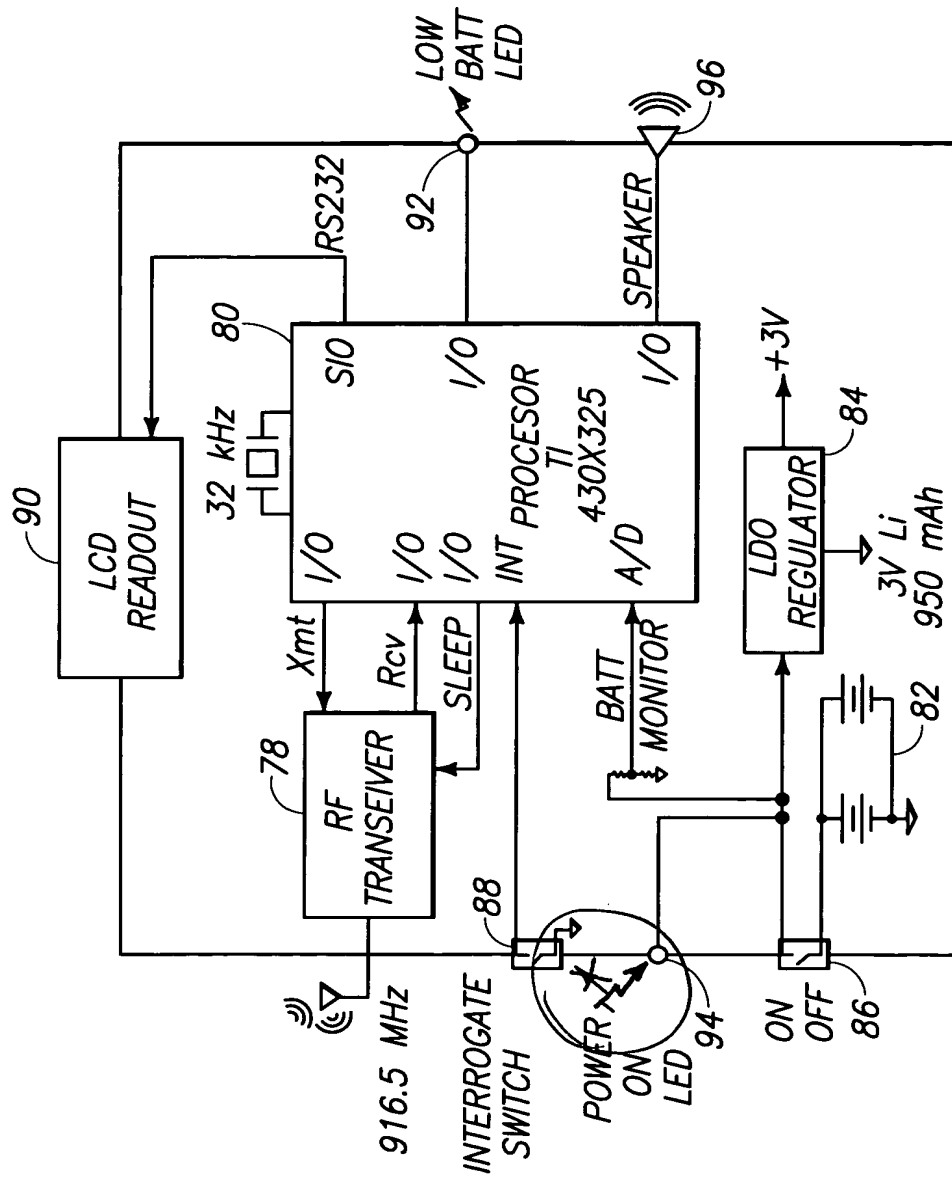
Dated: August 1, 2006

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52



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